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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,849	01/29/2004	Olga Kuturianu	5681-62401	2975
58467	7590	09/21/2007		
MHKKG/SUN P.O. BOX 398 AUSTIN, TX 78767			EXAMINER EHNE, CHARLES	
			ART UNIT 2113	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/767,849	Applicant(s) KUTURIANU ET AL.	
	Examiner Charles Ehne	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Beardsley (2003/0131285).

As to claim 1, Beardsley discloses a method for testing a plurality of computing products, comprising the steps of:

providing a central repository holding data structures, said data structures comprising platforms, test suites, an execution test harness, and an installer (Figure 2.22, Page 3, ¶0032, lines 1-3 & lines ¶0036, lines 3-4);

downloading said installer to a plurality of clients of said central repository (Page 3, ¶0035, lines 2-5); and

responsively to an execution of said installer in said clients downloading and installing from said central repository selected ones of said platforms and said test suites to said clients for use by said clients in testing said computing products (Page 3, ¶0033, lines 5-7 & Page 5, ¶0048, lines 5-17).

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As to claim 2, Beardsley discloses the method according to claim 1, further comprising the step of providing a platform editor for making a modification of any of said platforms, said test suites, and said execution test harness, so that said modification is automatically applied to all of said clients using at least one of said platforms, said test suites, and said execution test harness (Page 5, ¶0049).

As to claim 3, Beardsley discloses the method according to claim 1, wherein said execution test harness is executed using binary files thereof residing on said central repository (Page 2, ¶0022, lines 1-6). Examiner notes that any file that is not plain text is a binary file, such as a program, sound, video and graphics file.

As to claim 4, Beardsley discloses the method according to claim 1, wherein different selected ones of said platforms and said test suites are installed on different ones of said clients (Page 5, ¶0047, lines 8-11).

As to claim 5, Beardsley discloses the method according to claim 4, wherein said different ones of said clients execute said test suites concurrently (Page 6, ¶0062, lines 4-7).

As to claim 6, Beardsley discloses the method according to claim 4, wherein said different ones of said clients execute said test suites at different times (Page 5, ¶0052, lines 12-20).

As to claim 7, Beardsley discloses a computer software product, comprising a computer-readable medium in which computer program instructions are stored, which instructions, when read by a computer, cause the computer to perform a method for testing a plurality of computing products, comprising the steps of:

defining a central repository holding data structures, said data structures comprising platforms, test suites, an execution test harness, and an installer(Figure 2.22, Page 3, ¶0032, lines 1-3 & lines ¶0036, lines 3-4);

downloading said installer to a plurality of clients of said central repository (Page 3, ¶0035, lines 2-5); and

responsively to an execution of a script generated by said installer in said clients, downloading selected ones of said platforms, said test suites to said clients for use by said clients in testing said computing products under control of said execution test harness (Page 3, ¶0033, lines 5-7 & Page 5, ¶0048, lines 5-17).

As to claim 8, Beardsley discloses the computer software product according to claim 7, wherein said computer is further instructed to perform the step of defining a platform editor for modifying at least one of said platforms, said test suites, and said execution test harness (Page 5, ¶0049).

As to claim 9, Beardsley discloses the computer software product according to claim 7, wherein said execution test harness is executed using binary files thereof residing on said central repository (Page 2, ¶0022, lines 1-6). Examiner notes that any file that is not plain text is a binary file, such as a program, sound, video and graphics file.

As to claim 10, Beardsley discloses the computer software product according to claim 7, wherein different selected ones of said platforms and said test suites are installed on different ones of said clients (Page 5, ¶0047, lines 8-11).

As to claim 11, Beardsley discloses the computer software product according to claim 10, wherein said different ones of said clients execute said test suites concurrently (Page 6, ¶0062, lines 4-7).

As to claim 12, Beardsley discloses the computer software product according to claim 10, wherein said different ones of said clients execute said test suites at different times (Page 5, ¶0052, lines 12-20).

As to claim 13, Beardsley discloses a test execution system for testing a plurality of computing products, comprising:

a central repository holding data structures, said data structures comprising platforms, test suites, and an execution test harness (Figure 2.22, Page 3, ¶0032, lines 1-3 & lines ¶0036, lines 3-4); and

an installer for downloading and installing selected ones of said platforms, and said test suites at a plurality of clients of said central repository (Page 3, ¶0035, lines 2-5).

As to claim 14, Beardsley discloses the test execution system according to claim 13, further comprising a platform editor for modifying at least one of said platforms, said test suites, and said execution test harness (Page 5, ¶0049).

As to claim 15, Beardsley discloses the test execution system according to claim 13, wherein clients of said central repository execute said execution test harness using binary files residing on said central repository (Page 2, ¶0022, lines 1-6). Examiner notes that any file that is not plain text is a binary file, such as a program, sound, video and graphics file.

As to claim 16, Beardsley discloses the test execution system according to claim 13, wherein different selected ones of said platforms and said test suites are installed on different ones of said clients (Page 5, ¶0047, lines 8-11).

As to claim 17, Beardsley discloses the test execution system according to claim 16, wherein said different ones of said clients execute said test suites concurrently (Page 6, ¶0062, lines 4-7).

As to claim 18, Beardsley discloses the test execution system according to claim 16, wherein said different ones of said clients execute said test suites at different times (Page 5, ¶0052, lines 12-20).

As to claim 19, Beardsley discloses a method for testing a plurality of computing products, comprising the steps of:

providing a central repository holding data structures, said data structures comprising platforms, test suites, an execution test harness, and an installer (Figure 2.22, Page 3, ¶0032, lines 1-3 & lines ¶0036, lines 3-4);

downloading said installer to a plurality of clients of said central repository (Page 3, ¶0035, lines 2-5);

responsively to an execution of a script generated by said installer in said clients, downloading selected ones of said platforms and said test suites to said clients for use by said clients in testing said computing products under control of said execution test harness (Page 3, ¶0033, lines 5-7 & Page 5, ¶0048, lines 5-17); and

defining a platform editor for modifying at least one of said platforms, said test suites, and said execution test harness (Page 5, ¶0049).

As to claim 20, Beardsley discloses the method according to claim 19, wherein said execution test harness is executed using binary files thereof residing on said central repository (Page 2, ¶0022, lines 1-6). Examiner notes that any file that is not plain text is a binary file, such as a program, sound, video and graphics file.

As to claim 21, Beardsley discloses the method according to claim 19, wherein different selected ones of said platforms and said test suites are installed on different ones of said clients (Page 5, ¶0047, lines 8-11).

As to claim 22, Beardsley discloses the method according to claim 21, wherein said different ones of said clients execute said test suites concurrently (Page 6, ¶0062, lines 4-7).

As to claim 23, Beardsley discloses the method according to claim 21, wherein said different ones of said clients execute said test suites at different times (Page 5, ¶0052, lines 12-20).

As to claim 24, Beardsley discloses a computer software product, comprising a computer-readable medium in which computer program instructions are stored, which instructions, when read by a computer, cause the computer to perform a method for testing a plurality of computing products, comprising the steps of:

defining a central repository holding data structures, said data structures comprising platforms, test suites, an execution test harness, and an installer (Figure 2.22, Page 3, ¶0032, lines 1-3 & lines ¶0036, lines 3-4);

downloading said installer to a plurality of clients of said central repository (Page 3, ¶0035, lines 2-5);



responsively to an execution of a script generated by said installer in said clients, downloading selected ones of said platforms and said test suites to said clients for use by said clients in testing said computing products under control of said execution test harness (Page 3, ¶0033, lines 5-7 & Page 5, ¶0048, lines 5-17); and

defining a platform editor for modifying at least one of said platforms, said test suites, and said execution test harness (Page 5, ¶0049).

As to claim 25, Beardsley discloses the computer software product according to claim 24, wherein said execution test harness is executed using binary files thereof residing on said central repository (Page 2, ¶0022, lines 1-6). Examiner notes that any file that is not plain text is a binary file, such as a program, sound, video and graphics file.

As to claim 26, Beardsley discloses the computer software product according to claim 24, wherein different selected ones of said platforms and said test suites are installed on different ones of said clients (Page 5, ¶0047, lines 8-11).

As to claim 27, Beardsley discloses the computer software product according to claim 26, wherein said different ones of said clients execute said test suites concurrently (Page 6, ¶0062, lines 4-7).

As to claim 28, Beardsley discloses the computer software product according to claim 26, wherein said different ones of said clients execute said test suites at different times (Page 5, ¶0052, lines 12-20).

As to claim 29, Beardsley discloses a test execution system for testing a plurality of computing products, comprising:

a central repository holding data structures, said data structures comprising platforms, test suites, and an execution test harness (Figure 2.22, Page 3, ¶0032, lines 1-3 & lines ¶0036, lines 3-4);

an installer for downloading and installing selected ones of said platforms, and said test suites at a plurality of clients of said central repository (Page 3, ¶0035, lines 2-5); and

a platform editor for modifying at least one of said platforms, said test suites, and said execution test harness (Page 5, ¶0049).

As to claim 30, Beardsley discloses the test execution system according to claim 29, wherein clients of said central repository execute said execution test harness using binary files residing on said central repository (Page 2, ¶0022, lines 1-6). Examiner notes that any file that is not plain text is a binary file, such as a program, sound, video and graphics file.

As to claim 31, Beardsley discloses the test execution system according to claim 29, wherein different selected ones of said platforms and said test suites are installed on different ones of said clients (Page 5, ¶0047, lines 8-11).

As to claim 32, Beardsley discloses the test execution system according to claim 31, wherein said different ones of said clients execute said test suites concurrently (Page 6, ¶0062, lines 4-7).

As to claim 33, Beardsley discloses the test execution system according to claim 31, wherein said different ones of said clients execute said test suites at different times (Page 5, ¶0052, lines 12-20).

### ***Response to Arguments***

Applicant's arguments filed 7/5/2007 have been fully considered but they are not persuasive.

Applicant states on page 9, "In other words, Beardsley fails to teach that the test component 202 includes data structures, which comprise platforms, an execution test harness and 'an installer.'"

Examiner respectfully disagrees. Beardsley discloses data structures in the form of the test packets that are stored in the central depository 222 (Page 2, ¶0022, lines 3-6). Beardsley then discloses wherein each platform has a separate test packet (Page 3, ¶0033, lines 5-10). Beardsley does disclose the execution test harness, when each client receives the test packet the client daemon instructs the computer to perform different operations defined in the header of the test packet (Page 1, ¶0006, lines 14-20). The installer is described as being attached to the beginning of the test packet (Page 5, ¶0050, lines 7-11).

Applicant states on page 9, "Beardsley fails to teach, downloading said installer to a plurality of clients of said central repository"

Examiner respectfully disagrees. The test packets are stored in the central repository (Figure 2.222) and dispersed to the client computers (Page 3, ¶0031, lines 7-11).

Applicant states on page 10, "Beardsley fails to teach, responsively to an execution of said installer in said client, downloading and installing from said central

repository selected ones of said platforms and said test suites to said clients for use by said clients in testing said computing products.”

Examiner respectfully disagrees. Once the installer runs on the client computer subtasks are launched, which would be downloading the associated applications for the specific computer from the database (Page 5, ¶0053, lines 6-13).

Applicant states on page 13, “providing a platform editor for making a modification of any of said platforms, said test suites, and said execution test harness of said central repository, so that said modification is automatically applied to all of said clients using at least one of said platforms said test suites, and said execution test harness”.

Examiner respectfully disagrees. Beardsley discloses determining the test time for the package, if the test time is within a specific range a new package is formed and saved in the database 222 (Page 5, ¶0051).

Applicant states on page 14, “Feardsley fails to teach, wherein said execution test harness is executed by said clients using binary files thereof residing of said central repository.”

Examiner respectfully disagrees. The developers submit the test packets and they are stored on the central database shown in figure 2.222, this is the only place they are stored (Page 3, ¶0031, lines 2-7 & ¶0036, lines 3-6)

### ***Conclusion***


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Ehne whose telephone number is (571)-272-2471. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
M. J. BAUSCH  
UNITED STATES PATENT EXAMINER  
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